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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,652	07/28/2003	Kent Dirksen Kasper	600.1283	4422
23280	7590	05/11/2004	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EICKHOLT, EUGENE H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,652

Applicant(s)

KASPER ET AL.

Examiner

Eugene H Eickholt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-8, 10, 25 is/are rejected.
- 7) ☒ Claim(s) 2-4, 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-24-03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-28-03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre et al.

Roller 1 is applying fluid to a web. See col. 1, line 49. Doctor blade 8 is a metering device which has an edge 8" which slices fluid between the surface of roller 1 and a fluid cavity 2. See col. 1, lines 65-70. This reads on the claimed "edge for splitting the fluid". Doctor blade 8 also has a substantially circular duct 8' which is facing the roller 1. This duct 8' reads on the claimed "first concave surface". See col. 2, lines 10-22. Set screw 10 permits movement of the doctor blade towards and away from the roller surface. See col. 2, lines 6-7. Regarding claim 6, the bottom of blade 8 is shown to be horizontal.

Regarding claims 7 and 12, doctor blade 8 has an edge 8 "movable radially by set screw 10. See col. 2, lines 6-7.

Claim 10 calls for a "metering fluid in a printing press" in the preamble but fails to mention use of the press in the method steps and hence the phrase "in a printing press" is interpreted as intended use and not part of any claim limitations and is given no weight. The explanation of the rejection of claim 1 is applied to claim 10 as having parallel limitations.

Cavity 2 reads on the supply container. See col. 1, line 68.

Regarding claim 13, the set screw 10 controls distance setting.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al.

McIntyre et al does not specify whether the doctor blade is rigid. One of ordinary skill in the art would be expected to make it of a rigid material so as not be flexible in view of the need to move the doctor blade as a unit towards and away from the roll in the set screw 10's passage.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al in view of Deneka.

McIntyre et al does not identify the fluid as ink. However, general fluid application is specifically taught at col. 1, line 3, i.e. general utility and different kinds of fluid-application systems. Deneka teaches in col. 1, lines 13-16 that presses use devices capable of supplying inks or adhesives. It would have been obvious for one skilled in the printing art to use the McIntyre fluid applicator to apply ink. Motivation can be found in McIntyre et al col. 1, lines 38-39 wherein it is taught that a thin highly uniform coating of fluid may be applied.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iijima et al.

The abstract recites that ink is supplied through ports 56. See col. 9, line 65. This reads on the supplying fluid step. Fountain roll F is supplied ink while under rotation. This reads on the rotating and fluid film forming step. The second embodiment discloses having individual concave surface sections 5b and 6b. Column 10, lines 1-10 disclose an ink "shearing action" takes place on ink trapped between the fountain roll F surface and a gradually reduced distance toward an end portion of the ink supplying portion 40.

The concave surface portions 5b, 6b shear or split the ink as claimed.

Regarding claim 12, portion 6b has an edge extending above pedestal 3. This portion 6b can be rocked away from the surface of roller F thus reading on the edge moving radially step.

Regarding claim 13, col. 7, lines 38-54 teach using elongated bolt holes 61 and bolts 62 to adjust and set the distance C between roller F and surface 40. See col. 7, lines 50-54.


Claims 2-4, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The drawings filed 12-24-03 are accepted and approved.

A shortened statutory period of 3 months is set to respond.

Eickholt/ds

04/28/04

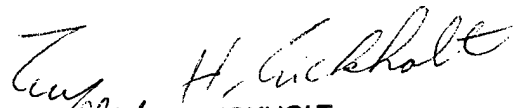
  
EUGENE H. EICKHOLT  
PRIMARY EXAMINER

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning the specifics of this communication should be directed to Examiner Eickholt, who can be reached Tuesday through Thursday. Inquiries of a general nature should be directed to the TC2800 receptionist.

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